IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 3125 of 2006

Date of decision: 06.03.2007

Dal Chand

..... Petitioner.

Versus

Ram Chand & Anr.

..... Respondents.

CORAM: HON'BLE MR. JUSTICE M.M. AGGARWAL

Present:- Mr. Vikas Jain, Advocate
for the petitioner.

Mr. I.K. Mehta, Sr. Advocate with
Mr. M.S. Kohli, Advocate
for respondent No. 2.

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M.M.AGGARWAL, J. (ORAL)

This is a petition against the order dated 18.05.2006 of Civil Judge (Junior Division), Faridabad whereby plaintiff was directed to pay ad valorem court fee on the value of sale deed.

Plaintiff, now petitioner had filed a suit for declaration with consequential relief of permanent injunction. In that suit, he had challenged a decree dated 21.08.2001 which is stated to have been suffered by him in favour of defendant no.1. However, it comes out that defendant no.1 later on sold a part of the property involved in decree to defendant no.2 for a consideration of Rs.8,60,000/-. An application filed by defendant No.2 before the trial Court that petitioner was liable to pay ad valorem Court fee, was allowed.

Counsel for the petitioner relies upon a judgment of this Court in the case of **Ram Singh and others v. Labh Singh and others 2006(1) RCR (Civil) 208** and argues that in this case plaintiff challenges the decree on the basis of his title and therefore he is not liable to pay ad valorem Court-fee.

On behalf of respondent No.2, a judgment of this Court in case of **M/s Iron Master (India) Pvt. Ltd. and another v. Punjab National Bank & another Vol. CXXX-(2002-1) PLR 157** has been relied and it has been argued that if the suit of the plaintiff is decreed, then it will have effect of the cancellation of the sale deed executed by defendant no.1 in favour of defendant no.2.

Vide impugned order dated 18.05.2006 the trial Judge has directed the plaintiff to pay ad-valorem court fee on the value of the sale deed dated 31.12.2004 which was for a sale consideration of Rs.8,60,000/-.

There is no infirmity in the order dated 18.05.2006.

Dismissed. However, petitioner is granted now one month time to make up the deficiency in Court fee.

March 06 , 2007 **(M.M. AGGARWAL)**
Dinesh **JUDGE**